

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA,

- against -

ORDER TO SHOW CAUSE

ANIBAL THOMPSON and
SEAN WHITTED,

04-CR-171 (NGG)

Defendants.

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NICHOLAS G. GARAUFIS, United States District Judge.

The government is ordered to show cause in writing on or before February 12, 2008 why the court should not, pursuant to 18 U.S.C. § 3582(c)(2) and U.S.S.G. § 1B1.10 (as amended effective March 3, 2008), file on March 3, 2008 an amended judgment reducing the defendants' term of imprisonment to time served.

The Federal Defender for the Eastern District of New York is hereby appointed pursuant to the Criminal Justice Act to represent Defendant Anibal Thompson in this matter, and Jeffrey G. Pittell is hereby appointed pursuant to the Criminal Justice Act to represent Defendant Sean Whitted in this matter. Any response to the government's submission shall be filed on or before February 22, 2008. Any reply by the government shall be filed on or before February 26, 2008.

At the U.S. Sentencing Commission's "Crack Summit" on January 18, 2008, the BOP requested that sentences of time served plus ten days be imposed instead of time served, in order to give the BOP time to complete its exit procedures for each inmate. The Government is respectfully directed to inform the BOP that the Court is considering modifying the defendant's sentence to time served. The Government is requested to advise the BOP that the court is not

inclined to delay the defendant's release in order to facilitate the BOP's exit procedures, and suggests that the BOP perform its exit procedures in advance to the extent that it is able to do so.

SO ORDERED.

Dated: February 7, 2008
Brooklyn, New York

/s Nicholas G. Garaufis
NICHOLAS G. GARAUFIS
United States District Judge